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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
2612	76

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/286,906

Examiner

LUONG T NGUYEN

Applicant(s)

MISAWA, ATSUSHI

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 11 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 12 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

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Continuation of Attachment(s) 6). Other: A copy of English Translation of JP 01-320871.

**DETAILED ACTION**

***Response to Arguments***

1. In view of the Appeal Brief filed on 11/26/2003, PROSECUTION IS HEREBY REOPENED. The office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Upon thorough examination of the specification, the pending claims and the cited arts, and the final rejection mailed on 6/04/2003, the Examiner finds that the Kawamura et al. patent (US 2002/0008763) is not necessary for the rejection of independent claim 1. A new non-final office action based on Oku et al. (JP 01-328071) for the rejection of independent claim 1 as discussed below.

A copy of English Translation of the Oku et al. (JP 01-320871) is enclosed to this Office Action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Oku et al. (JP 01-328071).

Regarding claim 1, Oku et al. disclose a camera comprising an imaging part (pickup circuit 21, figure 1, page 4, lines 22-28); a selector (combination of modes switches 31a, 31b and switch 5, figure 1, page 5); a recording part (first recording head 441 and second recording head 443, figures 1-2, page 4, lines 29-34); a reproducing part (first playback head 442 and second playback 444, figures 1-2, page 4, lines 29-34); a monitor (electronic viewfinder 1, figure 1, page 4, line 22); a display controller for controlling the monitor to display the image captured by the imaging part on a first area on the monitor in the recording mode, and to display the image reproduced from the recording medium on a second area on the monitor in the reproducing mode, the first area being smaller than the second area (Oku et al. disclose that the display of the live recording image (by CAM) and the display of the reproduced image (by VTR) are displayed on electronic viewfinder 1 (figure 1), and the display of the live recording image (by CAM) is smaller than the display of the reproduced image (by VTR), see figure 7c, page 8, line 9-13).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oku et al. (JP 01-328071) in view of Okada (US 5,515,104).

Regarding claim 2, Oku et al. fail to specifically disclose a grip to be held by a hand of an operator in the recording mode, the grip being arranged at a front of a body of the camera; wherein the monitor is arranged at a back of the body of the camera and extends to a part opposite to the grip. However, Okada discloses a camera has a grip (figure 1) and monitor (LCD 15) is arranged at a back of the body of the camera and extends to a part opposite to the grip (figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Oku et al. by the teaching of Okada in order to let the operator hold the camera easier when taking picture and viewing picture at the same time.

Regarding claim 3, Okada discloses the monitor is arranged such that none of the first area and a part of the second area is covered with the hand of the operator holding the camera by the grip in the recording mode (figure 2, LCD 15 is not covered by the hand of the operator holding the camera by the grip).

Regarding claim 4, Oku et al. fails to specifically disclose the monitor is arranged such that none of the first area and a part of the second area are covered with the hand of the operator holding the body to operate the camera in the recording mode. However, Okada discloses a camera, in which LCD 15 is not covered by the hand of the operator holding the camera (figures 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Oku et al. by the teaching of Okada in order to let the operator can view the whole image while taking picture because the display is not covered by the hand of the operator.

7. Claims 6-9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oku et al. (JP 01-328071) in view of Kawamura et al. (US 2002/0008763).

Regarding claim 6, Oku et al. fails to specifically disclose a touch panel arranged over the monitor; and wherein an operational button is displayed on an area other than the first area on the monitor in the recording mode, so that the monitor and the touch panel serve as a camera operation part. However, Kawamura et al. disclose an electronic camera, which includes a touch panel (touch panel 2, figure 5, page 1, section [0022]); and operational button (buttons 25-27, figure 5) is displayed on an area other than the first area on the monitor in the recording mode (figure 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a touch panel as taught by Kawamura et al. in to the device in Oku et al. in order to provide an electronic camera has capability of entering data by means of a pen-type designator (page 1, section [0006]).

Regarding claim 7, Oku et al. and Kawamura et al. fail to specifically disclose wherein the operational button comprises at least one of a zoom operation button and an exposure correcting button.

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However, Official Notice is taken that it is well known in the art to use such zoom button to zoom image. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a zoom button in the device of Oku et al. and Kawamura et al. in order to let the user select a desired size of displayed image in viewing.

Regarding claim 8, Oku et al. fails to specifically disclose a touch panel arranged over the monitor. However, Kawamura et al. disclose an electronic camera, which includes a touch panel (touch panel 2, figure 5, page 1, section [0022]) and operational button (buttons 25-27, figure 5) is displayed on an area other than the first area on the monitor in the recording mode (figure 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a touch panel as taught by Kawamura et al. in to the device in Oku et al. in order to provide an electronic camera has capability of entering data by means of a pen-type designator (page 1, section [0006]).

Oku et al. and Kawamura et al. fail to specifically disclose at least one of an operational button for instructing the image reproduced on the monitor to be switched on a frame-by frame basis in an order, an operational button for instructing the image reproduced on the monitor to be switched on a frame-by frame basis in a reverse order, an operational button for instructing the image reproduced on the monitor to be enlarged, and an operational button for instructing the image reproduced on the monitor to be reduced, is displayed on the monitor in the reproducing mode. However, Kawamura et al. discloses and operational button (buttons 25-27, figure 5) is displayed on the monitor in the recording mode (figure 5). And Official Notice is taken that it is well known in the art to use these buttons to perform function such as switching on a frame-by frame basis in an order and a reverse order, enlarging image displayed on the



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monitor, reducing image displayed on the monitor in order to let the operator saves time when reviewing image displayed on the monitor.

Regarding claim 12, Oku et al. fails to specifically disclose first area is arranged to exclude an area covered with hand of an operator holding a body of the camera to operate the camera to record the image. However, Kawamura et al. disclose an electronic camera, which shows that the operator can hold the camera at the grip (an area covered with hand of an operator holding a body of the camera), which is excluded to display portion 4 (first area, figure 1A). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a zoom button in the device of Oku et al. by Kawamura et al. in order to let the operator can view the whole image while taking picture because the display is not covered by the hand of the operator.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oku et al. (JP 01-328071) in view of Furuya (US 4,977,456).

Regarding claim 9, Oku et al. fails to specifically disclose the monitor comprises a liquid crystal display. However, Furuya discloses an electronic viewfinder for displaying the video images captured in an attached electronic camera utilizes a liquid crystal display (see abstract, column1, lines 35-36). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a zoom button in the device of Oku et al. by Furuya in order to provide an image display device for use with video cameras which is compact and requires little electric power (column 1, lines 59-61).

*Allowable Subject Matter*

9. Claims 10-11 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 10, the prior art of the record fails to show or fairly suggest a camera comprising a display controller for determining, by the touch panel, an area on the monitor hidden by a matter touching the touch panel, and controlling the monitor to display the image on an area on the monitor excluding the hidden area.

Claim 11 is allowable for the reason given respect to claim 10.

10. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

See Examiner's comments of reasons for the indication of allowable as indicated in Paper No. 8 on 12/19/2002.

*Conclusion*


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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